

NOT GUILTY.

W. R. Crawford Acquitted By a Kershaw Jury.

WAS OUT FIFTEEN HOURS.

The Jury Asked Judge Buchanan to Charge Them Again on Certain points of Law.

The non-conviction of W. R. Crawford was due in a great measure to the fact that the prosecution failed to put in evidence the fatal bullet, which took the life of Mrs. Elizabeth Stuart, Saturday evening, February 25th, at Columbia, S. C. The case was tried at Camden, Crawford having been granted a change of venue.

At 12 o'clock Thursday the jury announced that it had arrived at a verdict. Judge Buchanan was not in the court house at the time, but was summoned immediately. In order to prevent any demonstration in the court room, he ordered the sheriff and his deputies to take stations in different parts of the hall, and to preserve order. Mr. L. B. Lock, foreman, arose and announced that the verdict of the jury was "not guilty." There was no change of excitement. There was no change on the expressionless face of W. R. Crawford.

The crowd in the court house was dissolved in a few moments. Crawford and his friends hurried to the telegraph office where they wired to friends in every county that the trial had ended and the accused ex-costable had not been convicted.

The jury was out 15 hours. At first, so it is reported, and generally accepted in Camden, there were nine for acquittal and three for conviction. It is stated that, when the jurors went to sleep at midnight, two of those for conviction had given in. Thursday morning at 9 o'clock there was a large crowd gathered around the door of the court house waiting the arrival of the judge.

The opinion of every one present was that when the judge arrived the jury would announce that it had been unable to agree, and a "mistrial" would be ordered. Judge Buchanan arrived at 10 o'clock. The doors of the court house were thrown open.

When the jury had been polled, Foreman Block said they were further informed in regard to certain points in the jury's charge. He asked the judge to explain the rights of an officer in enforcing the execution of a warrant where he is opposed by violence. The jury did not understand the charge of the court on this point. "We wish to find out if Mr. Crawford had the right to search the house with violence," he said.

Solicitor Thurmond rose to object, but was overruled by the judge, who then addressed the jury: "That involves a mixed question of law and fact. The court instructed you that an officer could use force in reasonable circumstances, to meet force with force; but unless force was necessary he should not exercise any force at all. Whenever the law gives a man a process and tells him to search a house, it gives him everything necessary to do to accomplish that purpose, and if he meets with force, being authorized by law, being a law officer, he may overcome that force using so much force as is necessary to do that."

"His first duty is to use gentle means if gentle means will avail, and when gentle means will avail, he cannot use violent means."

"After he uses gentle means, if this does not suffice to overcome the resistance, he may use such force as is necessary even to the extreme of taking life, because he comes clothed with the warrant of the law, and every citizen must yield to the law."

"When a man obstructs an officer, the officer's duty is to put his hand gently on him, push him out of the way, unless he sees by the use of gentle means he will be taken at a disadvantage, or his life will be put in jeopardy then he may resort to harsh means at once. If he must resort to such means, then violence is justifiable. When a man is authorized by law to do a thing, he has a right to do all things necessary to accomplish that object, and if a person obstructs him he becomes a wrong-doer and if anything happens to him, he will be the author of his own wrong."

"After elaborating this point, he said: "The officer must go forward using gentle means if gentle means will do, but if gentle means won't do, it must be done anyhow. He can overcome force with force, no matter what the result."

He continued that an officer is not responsible for the result if he is prudent and acts with ordinary firmness. He has the right to be there and go forward, but he must not do so ruthlessly, and with due care. He concluded by saying that the violence must be commensurate with the resistance. Gentle means must first be used, but not when useless, for the law does not require a man to do a vain thing.

The jury retired. It is reported that prior to that time but one man had held out for conviction. He submitted to the construction of the law by Judge Buchanan, and in half an hour the jury had agreed.

A combination of circumstances entered into the acquittal of Crawford. The first was the fact that the prosecution failed to put in evidence the fatal bullet which took the life of Mrs. Elizabeth Stuart, and by ingenious argument showed, by its absence, that there was "a reasonable doubt" that Crawford fired it. The

benefit of any doubt is the right of the prisoner.

Another circumstance which probably influenced the jury was the fact that the defense laid considerable stress on the lapse of time between the slapping of Stuart's face and the firing of the shot. In legal parlance this is known as "cooling time"—time for the passions to subside, for the mind to be cooled, and for the mind to return to its normal state. In reply the State endeavored to prove that the interval was of but few seconds duration, and that Crawford's pistol covered Stuart during that time.

CONFAGRATION IN AUGUSTA.

Two Hundred and Fifty Thousand Dollars' Loss.

The largest fire in Augusta's history in many years burned over the same district that was swept seven years ago, when the Augusta Chronicle was burned. Several buildings that escaped at that time are now smoking ruins. The fire started in the drug store of Davenport & Pinkney, on Wednesday. A negro was mixing a pot of Venus turpentine, which is hard rosin melted and mixed with turpentine. Fire got into the pot and the flames spread so rapidly that employees in the front part of the store barely had time to escape. Smoke issued in dense volumes from the back and front of the store. Owing to the oil, paint, and chemicals in the stock it was seen from the burning that it would be fortunate if the fire was confined to this building. The flames made quick headway, and in a short while the following stocks were burned out: Kress & Co., five and ten-cent store, loss \$10,000; insurance, \$7,000; Larkin & Co., groceries, loss \$7,000; insurance \$5,000; Thomas & Barton, musical instruments, bicycles, furniture, loss \$24,000; insurance \$24,000; Alexander Drug company, loss \$17,000; insurance \$17,000; Davenport & Pinkney, loss \$24,000; insurance \$22,000; Stubb & Co., liquor dealers, loss \$5,000; insurance about \$3,000; Smythe, china store, loss about \$7,000; insurance \$7,000; William Schwitz, jeweller, loss very slight, fully covered by insurance. Buildings burned were valued in the aggregate at about \$150,000 insurance about \$75,000.

August Dorr's Sons tailors and furnisiers, loss on stock \$10,000, fully covered by insurance. Besides these there were a number of smaller losses, as the upper stories of the buildings were used as offices, making the total losses in the neighborhood of \$250,000.

Outrage Repaid in Kind.

A dispatch from San Antonio De Los Banos, Cuba, says that J. Labrega, a notorious agent of Gen. Weyler, who outraged defenseless women and killed children, arrived there Tuesday. His appearance was the signal for a gathering of relatives and friends of those whom he formerly persecuted. The excitement continued throughout the day and Tuesday night. About midnight a crowd surrounded the house where he was and began to threaten him. He attempted to escape, and on meeting the demonstrators emptied his revolver, wounding two persons. The crowd immediately closed in and captured him and he was lynched in the public square. The anxiety following the excitement caused a committee of Spaniards to come to Havana to ask the interference of Gen. Brooke. He could not receive them before the late hour of the evening, but he readily offered to send a detachment of American soldiers to the town. The committee, which left San Antonio before the lynching, returned to find Labrega dead.

Many burglaries have been committed recently in hotels, stores and private houses, and the police believe an organized band of American crooks is at work.

Gen. Fitzhugh Lee has sent three troops of the 7th cavalry to scour the provinces of Havana and Pinar Del Rio, and squads of ten, fifteen and twenty men with provisions for ten days are visiting the small towns at night.

Aginaldo's Latest Move.

Special dispatches from Manila Thursday say it is reported that Aginaldo has dissolved the Filipino congress and has proclaimed himself dictator. The officials in Washington are in doubt as to whether Aginaldo is declaring his dictatorship is aimed at a desire to rid himself of his refractory generals, Pilar and Luna, or whether he aims to consolidate in his own hands the power to make terms of peace. It is known from the reports of President Schurman of the American Philippine commission that these two generals own only faint allegiance to Aginaldo and their attitude towards the peace negotiations has made them ineffectual, the civilian members on the Filipino side of the Filipino joint commission being overruled by these generals. It is dominated by the military element controlled by these generals. It is believed here that if Aginaldo can keep these men to his will and assume supreme control he will at once make for peace, being able to secure better terms for himself than he would otherwise.

Suicided Before His Wife.

A dispatch from Anderson, S. C., to the Columbia State Wednesday says: "Mr. J. Claude Dickinson committed suicide at his home on North McDuffie street, this city, this morning about 5 o'clock. He had been part of the night and came in about 5 o'clock and told his wife he was going to commit suicide, and before she could get up to try to prevent the rash act, he put a pistol to his right temple and fired. Mr. Dickinson was a young man of about 24 years of age and had been married about three years. No one knows what his troubles were, as he had said nothing to lead to suppose he was going to kill himself. He had been employed as bookkeeper for O. D. Anderson & Bro., for the last two years and was a quiet and peaceable citizen."

A Pious Scoundrel.

Jacob Faeley, a farmer of Hartsville Mo., who had been a justice of the peace, chairman of the Populist county committee and a minister of the gospel, was Thursday found guilty of complicity in the robbery of the Kansas City and Fort Scott and Memphis train at Macomb last January. He was sentenced to twelve years in the penitentiary.

HIS LAST DAY.

Touching Scene at the Bedside of the Dying Governor.

ASKETCH OF HIS LIFE.

Loved Farm Life. A Clean Official Record. Honored for His Honesty by All Who Knew Him.

The following pen picture of Gov. Ellerbe's last day on earth will be read with interest. It is taken from the News and Courier:

This morning Governor Ellerbe was getting along as well as could be expected. He was holding his own—that was all. Dr. Monroe had done about all that could be done by human hands. He was leaving the house to visit an other patient near by when he was quickly summoned. Governor Ellerbe had said he was choking. He asked to be raised up, so he could battle with the troublesome and death dealing phlegm or accretion. Those about him, who were ever-ready to do all that could be done, gently raised the patient. It was not high enough. He asked to be raised higher. This was done, and finally he asked to be placed upright. This was done. Governor Ellerbe tried to cough up the accretion. He was too weak. He tried again and again, and finally said to Dr. Monroe, who was standing by, doing what was possible: "I am gone" and the plea for help in those eyes was touching. Dr. Monroe gave his patient brandy to give strength by which the accumulation could be thrown off. The brandy was not quick enough in its strength-giving and Governor Ellerbe said: "I am gone; I am choking." Dr. Monroe got his medicine chest and gave a dose of digitalis, morphine and strychnine as a powerful stimulant. It gave the small strength requisite for the work, and piece by piece the accumulation was worked off, but not without a severe tax on Governor Ellerbe's strength and a severe shock to all, for Dr. Monroe had said the end would, he thought, come by just such a strangulation or by heart failure, for his heart was already woefully weak.

CONSOLSED HIS WIFE.

The strain was so severe on Mrs. Ellerbe that she began to cry and Governor Ellerbe, turning toward her, shook his head and asked her not to cry. They all say that never was there a braver heart, nor more devoted wife, than Mrs. Ellerbe. She was a woman of the seal of his farm, where he resided until he was elected to the office of Governor. He was a candidate for governor—defeated he bowed gracefully to the will of the people, withdrew from the busy whirl of political life, and retired to the seclusion of his farm, where he resided until he was elected to the office of Governor. He was a candidate for governor—defeated he bowed gracefully to the will of the people, withdrew from the busy whirl of political life, and retired to the seclusion of his farm, where he resided until he was elected to the office of Governor.

In the same year there was an effort made by some of our people to reconcile the differences between the two parties of peace and unity. Following this was another effort in 1895 on the part of prominent reformers and conservatives to unite the whole people and elect representative men to the constitutional convention. As a result of these efforts a feeling of peace and unity prevailed in the State and in the constitutional convention. With this feeling, and the consequent consent of action it is not surprising that the constitutional convention would have been called, and when it assembled, whether the suffrage, liquor and other important questions ever could have been so wisely and successfully settled. Besides, the whole people, without regard to faction, were represented in the convention, and all of them are irrevocably committed to every provision of the new constitution, many of which secure the many and inspire a feeling of peace and unity. Following this was another effort in 1895 on the part of prominent reformers and conservatives to unite the whole people and elect representative men to the constitutional convention. As a result of these efforts a feeling of peace and unity prevailed in the State and in the constitutional convention. With this feeling, and the consequent consent of action it is not surprising that the constitutional convention would have been called, and when it assembled, whether the suffrage, liquor and other important questions ever could have been so wisely and successfully settled. Besides, the whole people, without regard to faction, were represented in the convention, and all of them are irrevocably committed to every provision of the new constitution, many of which secure the many and inspire a feeling of peace and unity.

THE GOVERNOR GAVE UP.

Today for the first time Governor Ellerbe completely gave up and indiged that he awaited the end. He made a hard and desperate fight. Although the day was quite pleasant Governor Ellerbe wanted the windows opened; he wanted air and light, and with all that two or three anxious and devoted hands were fanning fresh air and breath to him. Once in a while he would wake up, look about him and recognize some one, say a word or two about that he wanted, and doze off again into a peaceful slumber.

A SKETCH OF GOVERNOR ELLERBE.

Private Secretary W. Boyd Evans, who has been intimate with Governor Ellerbe, has prepared an elaborate sketch of him. It is given in his own words. He writes: Governor William H. Ellerbe, a native of the "Palmetto State," is a direct descendant of Capt. Thomas Ellerbe, of Revolutionary fame, who served in Gen. Marion's brigade. William H. Ellerbe is a great-grandson of this distinguished officer. The first of the name to come to America from England were two brothers—Thomas and John Ellerbe. They settled first in Virginia, but in 1737, emigrated to the Pee Dee and brought a large property with them. Thomas was the first slave holder on upper Pee Dee, he having a large number for that day. The name is still known in England, and is spelled "Ellerbe."

It was changed to its present form by a teacher of Thomas and William, and while his sons were very young, Governor Ellerbe is a great-grandson of William Ellerbe, grandson of John C. Ellerbe, one of the most scholarly men of his day, having graduated with honor at the University of North Carolina, in both the scholastic and law departments in 1823. His father, Capt. William S. Ellerbe, was the oldest son of John C. Ellerbe, and was born in Marion county in 1832. He was one of the largest and most successful planters in this section. Was married in 1851 to Sarah E., daughter of Major James Haselden, of Marion county, of which union thirteen children were born—four sons and nine daughters. Capt. William S. Ellerbe died on June 17, 1889.

BORN IN 1862.

The present Governor, William Haselden Ellerbe, was born at the old Haselden homestead in the historic county of Marion on the 14th day of April, 1862. Both parents were of English descent, having emigrated direct from the mother country, and settled in Virginia, thence, between the Pee Dee nearly a century and a half ago. W. H. Ellerbe received his education from private tutors at the home of his father and later at "Pine Hill Academy," a neighboring school, taught at that time by the best educators of the country. It was at this academy that he was fitted for college by Mr. L. B. Prince, a well known educator. In 1880 he entered Wofford college, at Spartanburg, S. C., which he attended two sessions. He then entered Vanderbilt University, at Nashville, Tenn., where he remained until his health failed, and his physicians advised him to return home to his father's plantation, recommending a course of active country exercise. His father placed him in charge of one of his large plantations, where he worked for a while, but subsequently bought one of his own. In 1887 he and his younger brother, the Hon. J. Edwin Ellerbe—graduate of Wofford college, member of the legislature, and also a member of the South Carolina Constitutional Convention—began merchandising on their plantation, where they ran a successful business until 1889, when W. H. Ellerbe sold out his interest to his brother and became a member of the firm of Holiday, Ellerbe & Co., where he continued until November, 1890. During his business career he also conducted his plantation—each year purchasing additional land—and was uniformly successful. He is now one of the largest landowners in the eastern part of our State, owning part of his father's magnificent plantations, with the additional ones purchased.

GOVERNOR ELLERBE A HOME LOVER.

Wm. H. Ellerbe was married in June 1887, to Miss Henrietta, daughter of Henry S. Rogers of Marlboro, S. C. Of this union five sons and one daughter have been born. He is a member of the Methodist church. His family life is one of the happiest. He is devoted to his home, he loves and cherishes all within it, and is loved by them with a strong affection. His ideas of manhood are exalted, but he does not except himself, and at all times tried to live up to his ideal. Every one knows him as a brave and honest man. Every position of responsibility to which he has been called has been filled with ability and distinction. At the beginning of the reform movement in 1886 Wm. H. Ellerbe allied himself with it, and in 1887 he joined the Alliance, but was suspended from membership during the same year when he engaged in merchandising. In 1890 he was nominated, without solicitation for the position of comptroller general of the State, and was elected without the aid of the people, withdrew from the busy whirl of political life, and retired to the seclusion of his farm, where he resided until he was elected to the office of Governor. He was a candidate for governor—defeated he bowed gracefully to the will of the people, withdrew from the busy whirl of political life, and retired to the seclusion of his farm, where he resided until he was elected to the office of Governor.

His victory was one to be proud of, opposed by a combination of some ministers and liquor men, by his personal enemies, disgruntled politicians, dissatisfied office-seekers and sore heads of both reform and conservative factions. Governor Ellerbe regarded the war against Spain as a just war and believed that it would profit this country in many ways. He said that it would be the introduction of American civilization in the West Indies and will dismiss from this continent the cruel ferocity of a past age and a decayed nation. It has shown our people everywhere that no one section of America is more patriotic than another, and has brought a balm to ancient wounds in the general exalted and fervent patriotism. This war has revealed the United States in their true light, and never was the good feeling of the people more transparent, and its prestige among the nations was worth the cost to the nation. 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